

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

**STB DOCKET NO. AB-439 (Sub-No. 6X)
Dallas Area Rapid Transit – Abandonment Exemption – in Collin County, TX
And
STB DOCKET NO. AB-585 (Sub-No. 1X) Dallas, Garland and Northeastern
Railroad – Discontinuance of Service Exemption – in Collin County, TX**

BACKGROUND

In this proceeding, the Dallas Area Rapid Transit (DART) and Dallas, Garland and Northeastern Railroad (DGNO) have filed a joint notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for DART to abandon, and DGNO to discontinue trackage rights over, an approximately 8.85 rail line in Collin County, Texas. The rail line extends from milepost 281.65 near Plano, Texas, to milepost 290.5 near Allen, Texas. A map depicting the entire rail line in relationship to the area served is appended to this Environmental Assessment (EA). If this notice becomes effective, DART will be able to salvage the track, ties, and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

DART and DGNO (the Applicants) submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The Applicants served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

Description of Rail Line

According to the Applicants, the subject rail line was constructed by the Houston & Texas Central Railroad in 1874 as part of a route connecting Dallas, Texas, and Denison, Texas. The rail line was eventually acquired by the Southern Pacific Transportation Company and was more recently purchased by DART. The rail line is located in a flat urban industrial area, and includes two bridges over waterways. The right-of-way of the rail line is generally 100 feet wide.

According to the Applicants, no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted as a result of the abandonment. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

In this proceeding, the Applicants have indicated that should they receive abandonment authority from the Board, DART intends to remove the tracks and ties along the line and would then convert the rail line into a trail. The Applicants state that as part of this plan, the two bridges located along the line would remain in place.

The U.S. Army Corps of Engineers (USACE) has provided written comments to DART indicating that the proposed abandonment would not require USACE authorization under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899.

The Environmental Protection Agency has reviewed the environmental report and has indicated to DART in writing that it has no concerns or comments regarding the proposed abandonment.

The U.S. Fish and Wildlife Service and Texas Parks and Wildlife Department, Wildlife Habitat Assessment Program, have each indicated to DART in writing that the proposed abandonment is not anticipated to have impacts to threatened or endangered species.

In a December 16, 2005 letter to SEA, the Texas Department of Transportation stated that it has no objections to the proposed abandonment project including DART's intent to convert the rail corridor into a trail.

The National Park Service provided a statement to DART that no parks are anticipated to be affected by the proposed abandonment.

The National Geodetic Survey (NGS) identified two geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA will recommend a condition that DART notify NGS at least 90 days prior to conducting salvage activities in order to plan for their possible relocation by NGS.

The Texas Coastal Coordination Council has submitted written comments to DART indicating that the area of the proposed abandonment lies outside the Texas Coastal Management Program (CMP) boundary and is therefore not subject to Texas CMP consistency review.

The Texas Commission on Environmental Quality (TCEQ) has provided written comments to DART indicating that the project is not likely to pose significant impacts to air quality in the region.

SEA believes that any noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following agencies for review and comment: U.S. Army Corps of Engineers; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; Natural Resources Conservation Service; and the National Geodetic Survey.¹ Copies of the EA will also be provided to appropriate local and state agencies.

HISTORIC REVIEW

The Applicants submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)].² The Applicants served the report on the Texas Historical Commission (SHPO) pursuant to 49 CFR 1105.8(c). The historic report identified two bridges, a stone water tower foundation, and a stone dam located within the project right-of-way (the Area of Potential Effect) that the Applicants believe may be eligible for listing in the National Register of Historic Places (National Register).

In an August 15, 2005 letter to DART, the SHPO submitted comments in response to the historic report indicating its concurrence with the National Register eligibility determinations proposed by the Applicants in the historic report. The SHPO also requested future consultations with DART to determine any effects of the proposed abandonment on the National Register eligible structures. Consequently, SEA will recommend a condition for DART to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470.

¹ Although the environmental and historic reports were prepared recently, some of the environmental comments provided to DART or SEA from the various resource agencies are up to three years old, thus SEA will ensure that copies of this EA are provided to those agencies whose comments are more than one year old.

² The combined environmental and historic report for this proceeding can be viewed on-line at <http://www.stb.dot.gov>.

SEA conducted a search of the Native American Consultation Database at <http://www.cast.uark.edu/other/nps/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database did not identify any tribes that may have an interest in the proposed abandonment.

CONDITIONS

We recommend that the following two environmental conditions be placed on any decision granting abandonment authority:

1. The Dallas Area Rapid Transit shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470, has been completed. The Dallas Area Rapid Transit shall report back to the Section of Environmental Analysis regarding any consultations it has had with the Texas State Historical Commission, and any other Section 106 consulting parties. The Dallas Area Rapid Transit may not file its consummation notice or initiate any salvage activities related to the abandonment until the Section 106 process has been completed and the Board has removed this condition.
2. The Dallas Area Rapid Transit shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of any geodetic station markers by NGS.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the rail line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this EA, send an original and two copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's web site, <http://www.stb.dot.gov> by clicking on the "E-FILING" link. Please refer to **Docket No. AB-439 (Sub-No. 6X) and Docket No. AB-585 (Sub-No. 1X)** in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 565-1542, fax at (202) 565-9000, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: April 21, 2006.

Comment due date: **May 8, 2006.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment